EXHIBIT "2"

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

KIMBERLY HERAS, ON BEHALF OF HERSELF \$
AND ALL OTHERS SIMILARLY SITUATED, \$
PLAINTIFFS, \$
VS. CIVIL ACTION NO. 5:13-CV-00498-DAE
RAPID TAX, INC., RICHARD SOWELL, AND \$
KIMBERLY J. SOWELL, \$
DEFENDANTS. \$

DEFENDANT'S RULE 26(A) DISCLOSURES

Now Come Defendants Rapid Tax, Inc., and Kimberly J. Sowell (hereinafter collectively referred to as "*Defendants*"), who through their undersigned counsel submit the following initial disclosures pursuant to the Court's Scheduling Order and Federal Rule of Civil Procedure 26(a):

A. Witness List - Rule 26(a)(1)(A)(i):

Sec. 2

The following individuals are likely to have discoverable information that Defendant may use to support its defenses (not including impeachment):

1. Kimberly Heras

c/o Lawrence Morales, II. Esq. Chuck Shipman, Esq. THE MORALES FIRM, PC 115 E. Travis St. Suite 1530 San Antonio, Texas 78205

Ms. Heras is the Plaintiff in this matter.

2. Kimberly Sowell

c/o Robert D. Kilgore, Esq. FISHER & PHILLIPS, LLP 300 Convent Street, Suite 1420 San Antonio, Texas 78205

Ms. Sowell is a co-Defendant in this case

3. Richard Sowell

2324 Village Path New Braunfels, TX 78130c

Mr. Sowell is a co-Defendant in this case.

4. Elizabeth Landry

c/o Robert D. Kilgore, Esq. FISHER & PHILLIPS, LLP 300 Convent Street, Suite 1420 San Antonio, Texas 78205

Ms. Landry is Defendant's General Manager and has personal knowledge regarding Defendant's personnel and human resources policies, procedures and practices.

Defendant reserves the right to amend or supplement this list as the discovery process develops.

B. Exhibit List - Rule 26(a)(1)(A)(ii):

The following documents, data compilations, and tangible things may be used by Defendant to support its defenses.

- 1. Personnel documents relating to Plaintiff;
- 2. Payroll documents relating to Plaintiff;
- 3. Defendant's personnel policies and procedures;
- 4. Notes about customer complaints.
- 5. Security videos.
- 6. Employee and Manager Handbooks.

6. Any documents identified and/or produced by Plaintiff during the course of discovery.

Defendant reserves the right to amend or supplement this list as the discovery process develops.

C. <u>Damages - Rule 26(a)(1)(A)(iii)</u>:

Defendants are not claiming any damages in this case at this time, but reserves the right to seek all legal and equitable remedies to which it may be entitled, including the costs incurred in defending this lawsuit.

D. Insurance - Rule 26(a)(1)(iv):

There is no insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Respectfully submitted,

Robert D. Kilgore SBOT No. 14001700

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ATTORNEYS FOR DEFENDANTS RAPID TAX, INC., AND KIMBERLY J. SOWELL

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September, 2013, I have served a true and correct copy of *Defendants' Rule 26(a) Initial Disclosures*, via Certified Mail/Return Receipt Requested and Electronic Mail, on all counsel of record as listed below.

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